

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION

RUSSELL K. HILL, #13506

PLAINTIFF

VERSUS

CIVIL ACTION NO. 3:05cv18HTW-JCS

HALEY BARBOUR, et al.

DEFENDANTS

ORDER

This matter is before the Court on the plaintiff's motion to reinstate [document #16] the instant civil action. The plaintiff is requesting that this court reconsider the "final judgment and/or order revoking in forma pauperis status."

Since the plaintiff's motion to reopen was filed more than 10 days after the entry of the judgment, this motion is construed pursuant to Rule 60(b) of the FEDERAL RULES OF CIVIL PROCEDURE. See Texas A&M Research Found. v. Magna Transp. Inc., 338 F.3d 394, 400 (5th Cir. 2003). A party seeking relief under Rule 60(b) must show: (1) mistake, inadvertence, surprise, or excusable neglect; (2) newly discovered evidence which by due diligence could not have been discovered in time to move for a new trial under Rule 59(b); (3) fraud, . . . misrepresentation, or other misconduct of an adverse party; (4) the judgment is void; (5) the judgment has been satisfied . . .; or (6) any other reason justifying relief from the operation of the judgment. FED. R. CIV. P. 60(b).

Having reviewed the record, this court finds that plaintiff was granted in forma pauperis on February 8, 2005, and that status has not been revoked. Moreover, this civil action was dismissed on March 14, 2005, by a final judgment. It was dismissed because this Court lacked jurisdiction to consider the claims. Clearly, the plaintiff's argument in the instant motion is

without merit. Furthermore, he has not asserted any of the grounds required by Rule 60(b). Therefore, this Court finds that there is no reason to alter its previous ruling. It is, therefore,

ORDERED AND ADJUDGED that plaintiff's motion to reinstate [document #16] is **denied.**

This the 9th day of February, 2006.

s/ HENRY T. WINGATE

CHIEF UNITED STATES DISTRICT JUDGE